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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,888	12/12/2005	Johannes Kalhoff	2133.095USU	1974

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EXAMINER	
PHAM, THOMAS K	

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
05/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,888	KALHOFF ET AL.	
	Examiner	Art Unit	
	Thomas K. Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 19-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 19-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. This office action is in response to the amendment filed 02/29/2008.

2. Applicant's arguments, with respect to claims 1-16 and 19-27, have been considered but they are not persuasive.

3. New claims 29-31 have been entered.

Quotations of U.S. Code Title 35

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ541, 550-551 (CCPA 1969)" (MPEP p2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Claim Rejections - 35 USC § 102

6. Claims 1-16 and 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,177,860 ("Cromer").

Regarding claims 1, 8, 26 and 27

Cromer teaches a method, an apparatus, or a system "for adaptation of an intelligent unit to a location in a system, comprising the following steps: associating a configuration device with the location, wherein the configuration device is connected to a coupling location for the intelligent unit in the system" (e.g. col. 3 lines 44-65 and col. 4 lines 17-22, the computer can adapt to a customer location by sending RFID tag information to a host); "and storing data in the configuration device, wherein the data is transmitted from the configuration device to a logic device that processes the data for configuration of the intelligent unit in the system" (e.g. col. 5 lines 11-46).

Regarding claim 2

Cromer teaches "the method as claimed in claim 1, further comprising the following steps: provisioning the intelligent unit with the logic device" (e.g. col. 4 in particularly lines 17-22); "coupling the intelligent unit to the system at the coupling location" (e.g. col. 4 lines 4-10); "connecting the intelligent unit to the configuration device" (e.g. FIG. 4); "and transmitting the data from the configuration device to the logic device" (e.g. col. 3 lines 44-49).

Regarding claim 3

Cromer teaches "the method as claimed in claim 1, further comprising: transmitting data from the intelligent unit to the configuration device and storing the data from the intelligent unit in the configuration device" (e.g. col. 4 lines 23-32).

Regarding claim 4

Cromer teaches "the method as claimed in claim 1, further comprising matching data between the intelligent unit and the configuration device" (e.g. col. 3 lines 30-43).

Regarding claim 5

Cromer teaches "The method as claimed in claim 1, wherein the intelligent unit is in a network" (e.g. FIG. 2).

Regarding claim 6

Cromer teaches "The method as claimed in claim 1, wherein the storing and/or the transmitting of the data is carried out as a single step, or as a repeatable step" (e.g. col. 3 lines 56-65).

Regarding claim 7

Cromer teaches "The method as claimed in claim 1, wherein the storing and/or the-transmitting of the data performed securely" (e.g. col. 4 lines 1-16).

Regarding claim 9

Cromer teaches "The apparatus as claimed in claim 8, comprising: an intelligent unit with an associated logic device for processing data for configuration of the intelligent unit" (e.g. col. 3 lines 57-65); "and a configuration device which is associated with a defined application and/or a defined location" (e.g. col. 3 lines 30-43), "and is permanently or detachably connected to the coupling location of the intelligent unit" (e.g. col. 3 lines 1-3), "for storage of application-based and/or location-based configuration data and/or behavior description data" (e.g. col. 3 lines 56-

65), "wherein the intelligent unit and the configuration device can be connected to one another in such a way that data can be transmitted at least from the configuration device to the logic device for adaptation of the intelligent unit to the application and/or the location" (e.g. col. 4 lines 1-16).

Regarding claim 10

Cromer teaches "The apparatus as claimed in claim 8, comprising: a configuration device, which can be associated with a defined application and/or a defined location of an intelligent unit and can be permanently or detachably connected to the coupling location of the intelligent unit" (e.g. col. 3 lines 1-3 and lines 30-43), "for storage of application-based and/or location-based configuration data and/or behavior description data" (e.g. col. 3 lines 56-65), "wherein the configuration device can be connected to a logic device for processing of data for configuration of an intelligent unit in such a way that data can be transmitted at least from the configuration device to the logic device" (e.g. col. 4 lines 1-16).

Regarding claim 11

Cromer teaches "The apparatus as claimed in claim 8, comprising: an intelligent unit with an associated logic device for processing of data for configuration of the intelligent unit" (e.g. col. 3 lines 57-65), "wherein the intelligent unit can be connected to a configuration device, which is associated with a defined application and/or a defined location of the intelligent unit and is permanently or detachably connected to the coupling location of the intelligent unit" (e.g. col. 3 lines 1-3 and lines 30-43), for storage of application-based and/or location-based configuration data and/or behavior description data" (e.g. col. 3 lines 56-65), "in such a way that data can be transmitted at least from the configuration device to the logic device for adaptation of the intelligent unit to the application and/or the location" (e.g. col. 4 lines 1-16).

Regarding claim 12

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the intelligent unit being within a network" (e.g. FIG. 2).

Regarding claim 13

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the intelligent unit having a system component" (e.g. FIG. 2).

Regarding claim 14

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the application-based and/or location-based data comprising an address, a component identification, configuration data and/or data for configuration" (e.g. col. 4 lines 1-16).

Regarding claim 15

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the logic device which is associated with the intelligent unit being designed for data transmission to the configuration device" (e.g. col. 3 lines 44-49).

Regarding claim 16

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device being designed to receive and store data from the logic device which is associated with the intelligent unit" (e.g. col. 5 lines 37-50).

Regarding claim 19

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device being associated with a connecting device, which is arranged at the coupling location of the intelligent unit, for connection of the intelligent unit" (e.g. col. 2 line 57 to col. 3 line 3).

Regarding claim 20

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device being designed for storage, reading and/or processing of further data" (e.g. col. 4 lines 1-16).

Regarding claim 21

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the data of the configuration device being variable, readable and/or processable by remote control and/or externally" (e.g. col. 5 lines 37-46).

Regarding claim 22

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device and the intelligent unit having complementary means for provision of a unidirectional and/or bidirectional data transmission connection, in particular using screw-in and/or plug-in connectors, a contact-based , optical and/or a radio connection" (e.g. col. 3 lines 56-65).

Regarding claim 23

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the configuration device being designed as equipment for an automation system" (e.g. FIG. 2 and col. 4 lines 1-16).

Regarding claim 24

Cromer teaches "The apparatus as claimed claim 8, further comprising: the configuration device and/or the logic device having hardware and/or software elements" (e.g. col. 3 lines 11-30).

Regarding claim 25

Cromer teaches "The apparatus as claimed in claim 8, further comprising: the logic device which is associated with the configuration device being part of the configuration device or part of a further device which can be connected to the configuration device, in particular a central control device" (e.g. col. 3 lines 56-65).

Regarding claim 28

Cromer teaches "The system as claimed in claim 27, wherein the system is adapted for operation of an automation system" (e.g. col. 2 lines 10-19).

Regarding claim 29

Cromer teaches "The apparatus of claim 8, wherein the configuration device is part of a permanent wiring to which the intelligent unit can be coupled" (e.g. col. 3 lines 50-55).

Regarding claim 30

Cromer teaches "The method of claim 1, wherein said location is selected from the group consisting of an application location, an installation location, and a combination thereof" (e.g. col. 3 lines 56-65).

Regarding claim 31

Cromer teaches "The method of claim 1, wherein said data is selected from the group consisting of application-based configuration data, location-based configuration data, behavior description data, and a combination thereof" (e.g. col. 3 lines 30-39).

Response to Arguments

In the remark, applicant's argue that cited reference fails to teach:

I) "associating a configuration device with the location, wherein the configuration device is connected to a coupling location for the intelligent unit in the system" as to claim 1.

II) Prior art Cromer et al. (USPT 6,177,860) discloses the computer can adapt to a customer location by sending RFID tag information to a host as described in column 3 lines 44-65 and column 4 lines 17-22. As the computer arrives at a location, the server can polls the computer by MAC address and wakes up the computer for configuration and pre-loading. The computer than send the RFID tag information back to the server so that the server can response by sending back software configuration data to adapt the computer to the particular location. Thus, the limitations are met by the cited reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 7:30 AM - 4:00 PM EST.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham

/Thomas K Pham/
Primary Examiner, Art Unit 2121

May 27, 2008